

Miami University Policy Library

Official administrative policies and procedures for Miami University



Right of Expression of Students

(Student Handbook 5.6/Graduate Handbook 2.15)

Right of Expression (Student Handbook 5.6.A)

The University believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. Consequently, students, individually and collectively, may express their views through the normal faculty, administrative, and student channels of communication. Students also may express their views by demonstrating peacefully for concepts they wish to make known, and the University will make every reasonable effort to protect that right.

One University also has an equal and simultaneous obligation to protect the rights and freedoms of students who do not choose to participate in a demonstration. Similarly, the University is obligated to protect its property and to prohibit interference with scheduled activities of students, University personnel, and guests on the campus.

Miami University is aware of the need for forbearance on its part in tolerance of peaceful demonstrations, protests, or other expressions of student attitudes. The University recognizes the fact that expression of opinion through demonstrations is not forbidden unless it disrupts, as defined later in this policy, University functions or activities. The University has an obligation to assure the safety of individuals, the protection of property, and the continuity of the educational process. The object of this statement, therefore, is to provide through explicit, reasonable limitations on expression a context in which expression may be protected and in which violent actions are avoided.

Prohibited Actions (Student Handbook 5.6.B)

Pursuant to Section 3345.21 of the Ohio Revised Code, the Board of Trustees hereby declares that all persons, including University faculty, staff, students and visitors, are prohibited from engaging or participating in, or aiding and abetting any of the following actions on any campus of Miami University. For purposes of this section, "aiding and abetting" shall be construed to mean the giving of aid or assistance to the principal in the planning or execution of any of the specified acts.

1. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or any other University activities, including its public safety or service functions.
2. Threatening to or engaging in conduct or creating a condition that presents a risk of physical harm to the offender or another or to the property of another.
3. Theft or damage to property of the University or any other person.
4. Unauthorized entry to or unauthorized use of University facilities.
5. Violation of University rules and policies including those regulations concerning the use of University facilities, or concerning the time, place, and manner of public expression.
6. Violation of rules governing residence in University-owned or University-controlled property.

7. Disorderly conduct.
8. Use, offer for sale, sale, distribution, possession, or manufacture of any controlled substance or drug except as expressly permitted by law.
9. Failure to comply with orders or directives of University officials or University Police or any other law enforcement officers or emergency personnel acting in performance of their duties.
10. Obstruction of the free flow of pedestrian or vehicular traffic.
11. Possession or use of firearms, explosives, dangerous weapons, or chemicals. A dangerous weapon is defined as any instrument, device, or object capable of inflicting physical harm or death; and designed or specifically adapted for use as a weapon; or possessed, carried, or used as a weapon.

Individuals holding views different from those presented by persons participating in a peaceful demonstration, protest, or other expression of student attitudes are subject to the same policies.

The initial judgment of the permissible limits of student expression should be made by the faculty member, administrator, or other University representative in charge of a specific University facility or function. Any member of the University community who believes the permissible limits of student expression have been exceeded may lodge a complaint with the University official in charge of the specific facility or function. If after observation of the situation the person in charge of a facility or function determines that said situation is no longer peaceful and orderly, he or she should:

1. Request, not direct, the students to desist from the activities causing the disturbance and allow a reasonable amount of time for such action to occur. In the event of the failure of his or her efforts at persuasion, he or she should inform the University Police of the nature of the disturbance and remain on the scene, except for extreme duress, until the arrival of the police officer.
2. Elect to immediately inform the University Police and the Office of the Vice President for Student Affairs when he or she believes personal safety or well-being will be endangered by direct involvement with the demonstrators.

Penalties for Violation (Student Handbook 5.6.C)

Any student who violates any of the foregoing prohibitions is subject to University discipline. Disciplinary action may include discharge, or suspension from the University. Such person may also be subject to criminal prosecution. Visitors are subject to criminal prosecution. Any visitor who violates this policy may be immediately ejected from University property by Miami University Police.

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